IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.618 OF 2004

Mohandas Karunakaran ...Petitioner

Vs.

The State of Maharashtra and Anrs. ...Respondents

....

Mr.N.N.Gawankar with Mr.M.S.Arote Advocate for Petitioner
Mrs.A.S.Pai, A.P.P. for the State

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CORAM : H.L.GOKHALE AND SMT.V.K.TAHILRAMANI,JJ.
DATE : AUGUST 24,2004

P.C.:

1. Heard Mr.Gawankar for the petitioner. Mrs. Pai appears for the respondents. Rule. Rule is made returnable forthwith.

2. We adjourned this petition on the last date for the learned A.P.P. to take instructions. The petitioner is a convict under Section 302 of IPC and has undergone his complete sentence. If all the period after remission is also counted, then he falls within the category 2(a). The learned A.P.P. accepts that case of the petitioner falls within category 2(a). He has put in more than 22 years and offence was committed in an individual capacity without any premeditation. Unfortunately the victim was the wife of the petitioner.

3. We are told by the learned A.P.P. that the concerned Police Station has given a report objecting to the release of the petitioner. We fail to see as to what objection others should have in altercation between the husband and wife leading to an unfortunate murder of the lady. The petitioner-husband has undergone the entire punishment and as per the rule, there is no reason why he should be detained any longer. Accordingly, we make the rule absolute and direct the respondent no.2 to release the petitioner forthwith. No order as to costs.

. Authenticated copies of this order be made available to the parties.

[H.L.GOKHALE,J.]

[SMT.V.K.TAHILRAMANI,J.]